



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application : Chandan Adhikari et al.  
Application No. : 09/649,122  
Filed : August 28, 2000  
Confirmation No. : 7057  
For : BUSINESS VOLUME AND WORKFORCE REQUIREMENTS  
FORECASTER  
Examiner : Alexander G. Kalinowski  
Attorney's Docket : KRNOT-010XX

TC Art Unit: 3626

\* \* \* \* \*

DECLARATION UNDER 37 C.F.R. § 1.132

**RECEIVED**

APR 13 2004

I, Ian M. Holland, hereby declare as follows:

**GROUP 3600**

1. I am an officer, namely, Vice President - Architecture and Systems Engineering, of Kronos Incorporated (hereinafter Kronos).

I commenced my employment with Kronos in 1999, and I am currently employed by Kronos.

2. The original and first Assignee of all right, title and interest in the above-referenced patent application was Simplex Time Recorder (hereinafter Simplex), One Simplex Plaza, Gardner, Massachusetts 01441, as evidenced by an Assignment(s) recorded in the U.S. Patent and Trademark Office at Reel 011569, Frame 0801.

3. Kronos and Simplex were longstanding competitors in the labor management marketplace.

4. Kronos developed and sold a labor scheduling and optimization software product known as SMART SCHEDULER in competition with a corresponding software product sold by Simplex. The SMART SCHEDULER software product has undergone improvements from at least 1993 to 1999.

5. Product releases of the SMART SCHEDULER and related software products were publicly announced by Kronos in printed publications such as the articles entitled "Kronos announces release of Smart Scheduler software" dated September 23, 1993 and "Kronos unveils Smart Scheduler" dated January 11, 1999.

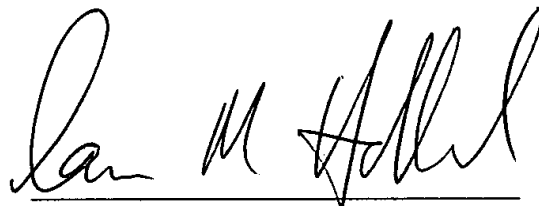
6. On December 28, 2001, Kronos purchased the labor management assets of Simplex, particularly, the related intellectual property assets and pending patent applications including the above-referenced patent application.

7. Kronos is currently the sole Assignee of all right, title and interest in the above-referenced patent application, as evidenced by an Assignment(s) recorded in the U.S. Patent and Trademark Office at Reel 012773, Frame 0133.

8. The software that was announced in the aforesaid 1993 and 1999 articles did not contain the invention(s) claimed in the above-referenced patent application.

9. The 1993 and 1999 articles did not disclose the invention(s) claimed in the above-referenced patent application.

Having been duly warned that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the U.S. Code, and may jeopardize the validity of the above-referenced application or any patent issuing thereon, I hereby declare that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true.



Ian M. Holland

March 24 2004  
Date

SMS/pjd  
Enclosure  
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